REMARKS

This amendment is in response to the Examiner's Office Action dated 6/9/2003. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow. Please note the amendments use elements found in the original claims and do not add new subject matter.

STATUS OF CLAIMS

Claims 1-28 are pending.

Claims 2, 17, 18, 19, 20 and 22 are hereby cancelled.

Claims 1, 2, 7, 9-12, 17, 20-22, and 25-28 stand rejected under 35 U.S.C. ' 102(e) as being anticipated by Gershman et al., US Patent 6,199,099.

Claims 5, 8, 13, 18, and 24 stand rejected under 35 U.S.C. ' 103(a) as being unpatentable over Gershman et al.

Claims 3, 4, 14, 15, and 23 stand rejected under 35 U.S.C. ' 103(a) as being unpatentable over Gershman et al. in view of *Webvan* (http://web.archive.org/web/*/http://www.webvan.com).

Claims 6 and 19 stand rejected under 35 U.S.C. ' 103(a) as being unpatentable over Gershman et al. in view of *MySimon* (http://web.archive.org/web/19981203074304/http://www.mysimon.com/)

OVERVIEW OF CLAIMED INVENTION

The presently claimed invention provides an improved method of surveying prices located across an e-commerce environment (e.g. goods available in an auction, online catalog, or electronically connected supply center). The prior art has many systems which go out on the web

Page 12 of 17

and look-up prices and return the prices to the buyer. However, suppose you were a "small business" and wanted to negotiate the absolute best price from various sources on 50 printers, but you did not want to reveal your identity for fear of an associated cost mark-up or lower discount. The present invention allows for you to use sophisticated buyer profiles (previously created over time and recognized by the seller as such) to get your best quote. In this scenario, the sophisticated buyer profile may be disguised to look like a very large business to optimize a volume discount and you and the next buyer and the next buyer could use this large business profile to continuously get the best prices. The seller only thinks that a large business is purchasing large quantities of printers, and gives a maximum discount without ever knowing that in fact the repeated buying history is performed by many smaller businesses. The present invention further will complete the purchase without ever revealing to the seller the true identity of the purchaser.

Another part of the current invention is a method to uncover price structures, for example, to the airfare market. Airlines do not publish their fare structure. They do not make it clear how the fare depends on the time of the day, the day of the week and the date. The buyer tells the desired time of travel and the airline returns a fare. Airline fares are repeatedly probed by the present system for uncovering such structures. It then suggests to the buyers how money can be saved by changing the requested time of the day, day of the week, etc.

In the Claims

Claims 2, 17, 18, 19, 20 and 22 are hereby cancelled. All rejections thereto are moot and will not be addresses specifically in the following arguments.

REJECTIONS UNDER 35 U.S.C. ' 102(e)

Claims 1, 2, 7, 9-12, 17, 20-22, and 25-28 stand rejected under 35 U.S.C. ' 102(e) as being anticipated by Gershman et al., US Patent 6,199,099.

The Gershman et al patent (hereafter Gershman) provides for a system, method, and article of manufacture for obtaining information on a mobile computing environment utilizing a distributed communication network. A pattern template is generated. This pattern template is stored on a thin client computer. A query is then created on the thin client computer based in part on user input. A network is queried for information utilizing a distributed communication network. A response is then received to the query from the distributed communication network. This response is processed utilizing an application tool on the thin client computer. The response is filtered by the application tool based on the pattern template. Information is then displayed to a user.

The examiner has included the Gershman reference specifically for its discussion of at least the following elements: "Pocket BargainFinder Service Module", interface, statistical agent, and price agents (starting in column 29 and corresponding figures).

To be properly rejected under 35 U.S.C. 102(e), each and every element of the claims must be found in a single reference.

The Gershman reference is very similar to prior art discussed in the specification. Gershman uses an actual buyer's profile (persona) to develop targeted searching capabilities to locate specific information located on the web, such as stores with inventory of the desired product, the stores location, and pricing information. While the disclosed system appears to look for the best price, by using the user's profile, it fails to leverage the buyer buy using anonymous

sophisticated buyer profiles to create "better" pricing opportunities. In fact, but using the

"known" buyer's profile, Gershman cannot provide the unique features of the present invention.

The independent claims of the present invention include at least the following elements

not provided for, nor suggested, by Gershman:

- an anonymous buyer profile

- said anonymous buyer profile used multiple times

- to develop historical usage therefore

- said historical usage representing a sophisticated buyer

- included within at least one of said one or more automated surveyors

- sophisticated buyer used as the buyer by said automated surveyors

- wherein use of said anonymous buyer profile increases the probability of
  discovering the best prices in an electronic commerce environment which includes
  electronic price discrimination

- generating fictitious user names

- requesting price quotes using said fictitious name(s);

- building reputation of said fictitious name(s) as sophisticated buyer(s);

- continuously scanning commercial sites on a network using said sophisticated
  buyers to retrieve product price information

- generating statistical distribution of said quotes, and

- comparing a quote a known buyer receives to what has been observed in the
  system by the sophisticated buyer

- said developed anonymous buyer profile used to make actual purchases for a buyer
  using said system without disclosing the true identity of said buyer

Page 15 of 17

As cited above, to be properly rejected under 35 U.S.C. 102(e), each and every element of the

claims must be found in a single reference. As Gershman fails to provide for (or suggest) many of

the claimed features, it is respectfully requested that the rejection under 102(e) be removed.

REJECTIONS UNDER 35 U.S.C. ' 103(a)

Claims 5, 8, 13, 18, and 24 stand rejected under 35 U.S.C. ' 103(a) as being unpatentable

over Gershman et al.

Claims 3, 4, 14, 15, and 23 stand rejected under 35 U.S.C. ' 103(a) as being unpatentable

over Gershman et al. in view of *Webvan* (http://web.archive.org/web/*/http://www.webvan.com).

Claims 6 and 19 stand rejected under 35 U.S.C. ' 103(a) as being unpatentable over Gershman et

al. in view of *MySimon* (http://web.archive.org/web/19981203074304/http://www.mysimon.com/)

Each of the 103 based rejections fail to include at least the elements of the

independent claims as discussed in the 102(e) rejection above and further fail to provide the nexus

of an anonymous buyer remaining anonymous throughout the price negotiation (surveying) and

purchase steps. In addition, no discussion of negotiating a better price using these anonymous

sophisticated buyer elements is described or suggested. Absent these claimed elements, the

references, either singularly or in combination, cannot provide for the claimed features. The

Webvan and *MySimon* references are limited to known prior art systems to deliver groceries by a

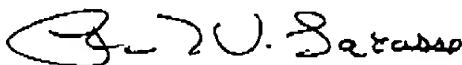"known" buyer profile and a price look-up agent.

SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this amendment has been timely filed within the set period of response, no petition for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 09-0441.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Respectfully submitted,

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